



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART IV

ENFORCEMENT OF PLANNING CONTROL

Enforcement where planning permission required

45 Power to serve enforcement notices

- (1) Where it appears to the local planning authority—
- (a) that any development of land has been carried out with out the grant of planning permission required in that behalf in accordance with Part III of this Act, or
 - (b) that any conditions or limitations subject to which planning permission was granted have not been complied with,
- then, subject to any directions given by the Minister, and to the following provisions of this section, the local planning authority, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, may, within the period specified in the next following subsection, serve a notice under this section (in this Act referred to as an “enforcement notice”).
- (2) The period for the service of an enforcement notice—
- (a) where the notice relates to the carrying out of development, is the period of four years from the carrying out of that development, and
 - (b) where the notice relates to non-compliance with a condition or limitation, is the period of four years from the date of the alleged failure to comply with it.
- (3) Where the local planning authority serve an enforcement notice, the notice—
- (a) shall be served on the owner and occupier of the land to which it relates, and
 - (b) may, if the authority think fit, also be served on any other person having an interest in that land, being an interest which in their opinion is materially affected by the notice.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) An enforcement notice—
- (a) shall specify the development which is alleged to have been carried out without the grant of planning permission as mentioned in paragraph (a) of subsection (1) of this section or, as the case may be, the matters in respect of which it is alleged that any such conditions or limitations as are mentioned in paragraph (b) of that subsection have not been complied with, and
 - (b) may require such steps as may be specified in the notice to be taken, within such period as may be so specified, for the purpose of restoring the land to its condition before the development took place, or of securing compliance with the conditions or limitations, as the case may be, and in particular may, for that purpose, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.
- (5) Subject to the following provisions of this Part of this Act, an enforcement notice shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.